

1 Honorable Theresa L. Fricke
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11 UNITED STATES DISTRICT COURT
 12 WESTERN DISTRICT OF WASHINGTON
 13 AT TACOMA

14 UNITED STATES OF AMERICA,
 15 Plaintiff,
 16 v.
 17 BRIAN BUCKINGHAM,
 18 Defendant.

19 CASE NO. MJ20-5142
 20 COMPLAINT FOR VIOLATION
 21 18 U.S.C. § 2251(a), (e)
 22 18 U.S.C. § 2252(a)(2), (b)(1)

23 BEFORE United States Magistrate Judge Theresa L. Fricke, Tacoma, Washington.
 24 The undersigned complainant, being duly sworn, states:

25 **COUNT 1**
 26 **Production of Child Pornography**

27 Between in or about January 2016 and continuing to in or about June 2020, at
 28 Neah Bay, within the Western District of Washington, and elsewhere BRIAN
 BUCKINGHAM, employed, used, persuaded, induced, enticed, and coerced MV1, a
 minor, to engage in sexually explicit conduct, and attempted to do so, for the purpose of
 producing a visual depiction of such conduct and transmitting any live visual depiction of
 such conduct, knowing or having reason to know that such visual depiction would be
 transported and transmitted using any means or facility of interstate and foreign
 commerce, such visual depiction was transported and transmitted using any means or
 facility of interstate and foreign commerce and in and affecting interstate and foreign

1 commerce, and such visual depiction was produced using materials that had been mailed,
 2 shipped, and transported in interstate and foreign commerce.

3 All in violation of Title 18, United States Code, Section 2251(a), (e).

4 **COUNT 2**
 5 **Distribution of Child Pornography**

6 Between in or about January 2020 and continuing to in or about June 2020, at
 7 Neah Bay, within the Western District of Washington, and elsewhere, BRIAN
 8 BUCKINGHAM, did knowingly distribute, and attempt to distribute, visual depictions,
 9 the production of which involved the use of minors engaging in sexually explicit conduct,
 10 and the visual depictions were of such conduct, using any means and facility of interstate
 11 and foreign commerce and which images had been mailed and shipped and transported in
 12 and affecting interstate and foreign commerce by any means, including by computer.

13 All in violation of Title 18, United States Code, Section 2252(a)(2), b)(1).

14 I, Colleen B. Sanders, being first duly sworn on oath, depose and say:

15 **INTRODUCTION**

16 1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and
 17 have been so employed for over eighteen years. I am currently assigned to the Poulsbo
 18 Resident Agency of the Seattle Division. While employed as an FBI Agent, I have led
 19 investigations and/or participated in investigations of a wide array of federal criminal
 20 violations, including violent crimes, bank robbery, fugitives, drug crimes, organized
 21 crime, crimes against children (including human trafficking, sexual exploitation, child
 22 abuse and child sexual abuse), crimes occurring in Indian Country, and crimes in the
 23 special maritime and territorial jurisdiction of the United States. I have completed sixteen
 24 weeks of training at the FBI academy, including legal classes, investigative techniques,
 25 evidence preservation and collection, financial related crimes, and computer related
 26 crimes.

27 2. In my time as a law enforcement officer, I have investigated cases
 28 involving the sexual abuse of minors. Specifically, as a result of my training and

1 experience, I am familiar with federal criminal laws relating to child exploitation and
2 child pornography including violations of Title 18 United States Code Sections 2251,
3 2252, and 2252A. In addition to the experience I gained in working investigations of
4 violations of federal criminal laws, I have attended trainings in child abuse, internet
5 crimes against children, sexual assault, domestic violence, domestic violence
6 strangulation, and training specific to death investigations. Furthermore, I am a member
7 of the FBI Seattle Evidence Response Team and have attended several trainings on
8 evidence recovery.

9 3. The information in this affidavit is based on my personal participation in
10 this investigation and information provided to me by other agents, officers, and
11 witnesses, and information gained through my training and experience and the training
12 and experience of other investigators involved in this investigation. Because this affidavit
13 is being submitted for the limited purpose of establishing probable cause, I have not
14 included each and every fact known to me concerning this investigation. I have set forth
15 only the facts that I believe are relevant to a fair determination of probable cause to
16 believe that BRIAN BUCKINGHAM has committed the crimes of *Production of Child*
17 *Pornography* in violation of Title 18, United States Code, Section 2251(a), (e), and
18 *Receipt or Distribution of Child Pornography* in violation of Title 18, United States
19 Code, Section 2252(a)(2).

20 4. Insofar as I or other law enforcement officers have identified individuals in
21 this affidavit, those identifications are made in good faith based on comparisons with
22 Washington State DOL photographs, physical and electronic surveillance, as well as
23 photographs maintained in law enforcement databases. In the following paragraphs, I
24 describe communications between various individuals. Except where specifically
25 indicated with quotation marks, the descriptions are summaries of the conversations and
26 are not intended to present a verbatim recitation of the words used by the participants.
27 When the statements of others are set forth in this affidavit, they are set forth in substance
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1 and in part. Insofar as I have included event times in this affidavit, those event times are
2 approximate.

3 5. This Complaint and affidavit are being presented electronically pursuant to
4 Federal Rules of Criminal Procedure Rule 4.1.

PROBABLE CAUSE

6 6. On or about February 17, 2020, the Electronic Service Provider Discord
7 Inc. (hereinafter, “Discord”)¹ became aware of image(s) containing depictions of minors
8 engaged in sexually explicit conduct had been uploaded onto the internet by a subscriber.
9 Discord reported that the image of suspected child pornography was uploaded on
10 February 17, 2020 at 04:59:49 UTC from IP address 65.102.118.161. Discord
11 subsequently made a report to the National Center for Missing and Exploited Children
12 (NCMEC). In the tip, Discord provided the suspected contraband, which it indicated had
13 been available to the public and previously viewed by an employee of Discord, and
14 included identifying information about the reported user. Specifically, that the reported
15 user’s Screen or User Name was The_Awkward_Package#3491 and the upload IP
16 address was 65.102.118.161.

17 7. A subsequent warrant showed that IP Address 65.102.118.161 was assigned
18 to XXX Ba'adah Point Road, Neah Bay, Washington (hereinafter, the RESIDENCE) on
19 February 17, 2020 at 04:59:49 UTC, and listed the billing name as BRIAN
20 BUCKINGHAM. The matter was then referred to the Washington State Patrol's (WSP)

²² ¹ Discord is an electronic services provider and a messaging platform where millions of users from around the world connect with each other through chat, voice, and video. Discord has both a desktop (PC, Mac, and Linux) application and a mobile (iOS, Android) application, and the service can also be accessed from the website directly. In order to use the services, users need to create an account by selecting a username. Once they have made their account, users can create a server and invite their friends to join it—generally to play online games and discuss games by voice, text, or video—with an invite link, or they can join an existing server. Servers are broken down into sub-categories or “channels” where users can connect with each other by either chatting or calling. Discord differs from other social platforms like Twitter or Reddit, in that people come to Discord to build private, invite-only groups. All conversations are opt-in. Users can also communicate through direct messages, or private chats, created between 1 and 10 users.

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1 Missing and Exploited Children's Task Force (MECTF)² and assigned to WSP Detective
 2 Bradley Beattie.³

3 8. In March 2020, Detective Beattie reviewed the image file included by
 4 Discord in the CyberTip Report. The undersigned has not viewed the image and is
 5 relying on Detective Beattie's description. The image shows what appears to be a
 6 prepubescent child under the age of 10 years⁴ and an adult male.⁵ Detective Beattie noted
 7 that the child was wearing only a white t-shirt, pulled above the hips. The image shows
 8 the child bending over what appears to be a toilet. Detective Beattie observed the adult
 9 male is standing behind the child in the image. Based on the angle of the camera,
 10 Detective Beattie observed that the adult male's face was not visible in the image. The
 11 adult male's pants and underwear are pulled down below the adult male's groin, exposing
 12 his erect penis. The adult male's left hand is resting against the left portion of the child's
 13 buttocks, and the adult male's left ring, middle, and index finger are placed on the left
 14 portion of the child's buttocks. In the image, the adult male's index finger is pulling the
 15 left portion of the child's buttocks to the left, exposing the child's anus. The adult male's
 16 left thumb appears to be pressing the upper portion, or head, of his erect penis towards
 17 the child's exposed anus. The adult male's erect penis is covering the child's genitals,
 18

19 ² The goal of the task force is to recover juveniles being sexually exploited and build prosecutable cases
 20 against those responsible for exploiting them.

21 ³ WSP Detective Bradley Beattie has over nine years of law enforcement experience, and is currently
 22 assigned to the WSP Missing and Exploited Children Task Force specifically in the High Tech Crime
 23 Unit. Detective Beattie has been assigned to MECTF since February 16, 2020. During Detective Beattie's
 24 law enforcement career, he has been involved in a variety of investigations and attended multiple
 25 trainings, including training on all aspects of narcotics and sex crime investigations. Detective Beattie has
 26 participated in several online enticement operations targeting individuals who use the internet to find
 27 children to sexually abuse. These operations have resulted in multiple arrests and convictions, as well as
 28 the recovery of children who were being sexually abused.

29 ⁴ Detective Beattie determined the child was a minor, and likely under the age of 10 years old, due to the
 30 small stature of the child's buttocks, legs, and back in comparison to the toilet seat and the adult male's
 31 hand and erect penis, and due to the lack of any visible hair on the child's legs or in and around the
 32 child's anus.

33 ⁵ Detective Beattie determined the erect penis was that of an adult male because of the presence of pubic
 34 hair, the size of the erect penis in comparison to the child's body, and the size of the adult male's left
 35 hand in comparison to the body of the child.

1 making it difficult to identify the sex of the child. The child's face and head are not
 2 visible.

3 9. On April 2, 2020, a King County Superior Court Judge issued a search
 4 warrant to Discord for all account information and content related to the Screen/User
 5 Name The_Awkward_Package#3491. The search warrant was restricted to all subscriber
 6 and account information and content between January 17, 2020 and March 17, 2020 (one
 7 month prior to the CyberTip upload and one month past the CyberTip upload).

8 10. On May 20th, 2020, Detective Beattie received the requested information
 9 from Discord related to the Screen or User Name The_Awkward_Package#3491. In his
 10 review of that search warrant return, Detective Beattie located multiple "selfies" of
 11 BUCKINGHAM that had been sent in various chat groups and in direct messages.

12 11. Detective Beattie determined that all of the selfies sent from
 13 The_Awkward_Package#3491 were of BUCKINGHAM based on a comparison with
 14 BUCKINGHAM's Facebook and DOL photographs. One of the selfies Detective Beattie
 15 believed to be of BUCKINGHAM included BUCKINGHAM holding a piece of paper
 16 with the following written out: "2/16/20 520pm PST AAM Map Gateway
 17 The_Awkward_Package#3491". Detective Beattie determined that BUCKINGHAM
 18 appeared to be the only user associated with and utilizing the direct message chats for the
 19 The_Awkward_Package#3491 Discord account.

20 12. The Discord search warrant return also revealed a direct message chat
 21 between BUCKINGHAM and a second Discord user (hereinafter, "Discord User #2). A
 22 review of the chat showed that between January 21, 2020 and January 25, 2020,
 23 BUCKINGHAM sent nine videos and eight photographs to Discord User #2.

24 13. Among the videos were at least two videos investigators identified as
 25 including depictions of a minor (hereinafter, "MV1"). Investigators later identified MV1
 26 as a male relative of BUCKINGHAM's and learned MV1's date of birth. Based on the
 27 time stamp displayed on the videos, investigators determined that MV1 was likely twelve
 28 years of age at the time the videos were taken. Furthermore, from the videos themselves,

1 Detective Beattie estimated that MV1 was a prepubescent male between 10 to 14 years of
 2 age because of MV1's small body stature, lack of muscular development, lack of pubic
 3 hair, and lack of penis or testicular development. Below are descriptions of two of the
 4 videos:

5 a. On January 21, 2020, BUCKINGHAM sent a 12 second video,
 6 forensically labeled 6690224423105396738 669041525463973888
 7 669041519432433684 video0 (hereinafter, "VIDEO 1"), to Discord User #2. VIDEO 1
 8 appears to be taken by some sort of stationary security camera located in a corner of the
 9 depicted bedroom and includes a time stamp of "2016-01-09 05:02:32 AM Sat." In the
 10 video, BUCKINGHAM is laying on his back on a bed to the left of the room.
 11 BUCKINGHAM is naked with a white sheet covering his upper body, but his face is
 12 exposed. BUCKINGHAM is naked from the waist down, and his erect penis is exposed.
 13 BUCKINGHAM's eyes appear to be closed. MV1 is laying down on his back on a
 14 second bed to the right of the room. MV1 has head phones on and is holding what
 15 appears to be a cell phone in his left hand. MV1 appears to be looking at the cell phone in
 16 his hand. MV1 has his underwear pulled down, has his erect penis in his right hand, and
 17 he is masturbating. During the video, BUCKINGHAM turns his head to the left, away
 18 from MV1, and grasps his erect penis with his right hand. BUCKINGHAM begins to
 19 masturbate.

20 b. On January 21, 2020, BUCKINGHAM sent a four second video,
 21 forensically labeled 6690224423105396738 669044050715738141
 22 669044044973867028 video0 (hereinafter, "VIDEO 2"), to Discord User #2. VIDEO 2
 23 appears to be taken by the same security camera with a "2016-01-09 05:02:47 AM Sat"
 24 time stamp. BUCKINGHAM is laying on his back on the bed to the left of the room with
 25 his head facing towards the wall to the left. BUCKINGHAM is grasping his erect penis
 26 with his right hand and masturbating. MV1 is laying down on his back on the bed to the
 27 right of the room. MV1 has head phones on and is holding what appears to be a cell
 28 phone in his left hand. MV1 has his underwear pulled down and is holding his semi-erect
 penis in his right hand. MV1 appears to be looking at the cell phone. MV1 is not actively
 masturbating.

29 14. In the direct message chat between BUCKINGHAM's
 30 The_Awkward_Package#3491 Discord account and Discord User #2 the following
 31 relevant direct message exchanges were taking place amongst the above videos and
 32 photographs being sent (messages sent and received that were not pertinent to the
 33 investigation were removed):
 34 //

1 January 21, 2020:

2 **The_Awkward_Package#3491:** "I am nude ALL the time at home. My security
 3 cams catch some unexpected stuff every now and then, especially when I am
 4 sleeping"

5 **Discord User #2:** "Who is that in backwards of second video"

6 **Discord User #2:** "Background"

7 **The_Awkward_Package#3491:** [MV1]

8 **Discord User #2:** "Anymore vids of him watching you jerk off"

9 **The_Awkward_Package#3491:** "Yes"

10 **Discord User #2:** "Could i have a vid"

11 **The_Awkward_Package#3491:** *sends a video of BUCKINGHAM masturbating*

12 **Discord User #2:** "No of him watching you jerking off"

13 **The_Awkward_Package#3491:** "Ok"

14 **The_Awkward_Package#3491:** "Yesss u like that? I have lots"

15 **Discord User #2:** "Yup"

16 **The_Awkward_Package#3491:** "Ok give me a sec, take a pic/vid with your
 17 underwear off"

18 **Discord User #2:** *Sends image that Detective Beattie was unable to view*

19 **The_Awkward_Package#3491:** *Sends VIDEO 1.*

20 . . .

21 **Discord User #2:** "Do you jerk of with him"

22 **The_Awkward_Package#3491:** "Not on purpose. I jerk off in my sleep and I
 23 think I saw some security vids when we happened to at same time"

24 **Discord User #2:** "Would you like to jerk off with him"

25 **The_Awkward_Package#3491:** "I am very comfortable being naked and to me
 26 jerking off is a completely natural and healthy thing that guys do. Haven't really
 27 thought about it tho"

28 **Discord User #2:** "You should try it and send it to me"

1 **Discord User #2:** "I agree its natural"

2 **The_Awkward_Package#3491:** "Make a vid for me if you jerking off"

3 **The_Awkward_Package#3491:** *Sends VIDEO 2*

4 January 24, 2020:

5 **Discord User #2:** "Did you jerk of with [MV1] yet"

6 **Discord User #2:** "Off"

7 **The_Awkward_Package#3491:** "Not consciously"

8 **The_Awkward_Package#3491:** "Sleeping tho"

9 **Discord User #2:** "Try it"

10 **The_Awkward_Package#3491:** "U think he'd like it?"

11 **Discord User #2:** "Probably if he's comfortable enough to jerk off in front of
12 you"

13 **The_Awkward_Package#3491:** "Yeah. There nothing were uncomfortable with
14 each other I guess"

15 **The_Awkward_Package#3491:** "Never really thought bout it"

16 **Discord User #2:** "Sure r u guys both home"

17 **The_Awkward_Package#3491:** "No he's at [REDACTED] unfortunately"

18 **Discord User #2:** "What porn does he watch"

19 **The_Awkward_Package#3491:** "Not sure. Saw him looking at some of@my gay
20 mags and bi mags"

21 15. As Detective Beattie continued his review of the information from Discord
22 related to Screen/User Name: The_Awkward_Package#3491, he located additional direct
23 message chats with other users in which BUCKINGHAM sent more than 100 images and
24 videos. In the Discord text exchanges, BUCKINGHAM agreed with other users about
25 having a sexual interest in children as young as toddlers, animals, incest, and "forced."⁶

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⁶ Based on my training and experience, "forced" most often indicates rape or simulated rape.

1 16. BUCKINGHAM's chats also indicated that he had an interest in trading
 2 and sharing images of content depicting what BUCKINGHAM and the users he
 3 communicated with were "into."⁷ The majority of the videos and images sent by
 4 BUCKINGHAM during these direct message chats were of BUCKINGHAM's penis and
 5 BUCKINGHAM masturbating; however, BUCKINGHAM sent at least five videos to
 6 other users that depicted sexual acts involving children. One video was another depiction
 7 of BUCKINGHAM and MV1 masturbating. The other videos do not appear to be of
 8 BUCKINGHAM or MV1 but included sexual acts involving prepubescent children,
 9 including penetration of the anuses of prepubescent children by what appeared to be adult
 10 male penises.

11 17. In a Discord chat conversation with another user, (hereinafter, Discord User
 12 #3), between February 1, 2020 to February 9, 2020, BUCKINGHAM sent two
 13 screenshots of what Detective Beattie identified as likely a prepubescent male in a video
 14 chat with BUCKINGHAM. The minor appeared to be naked and in the shower in those
 15 screenshots, but his lower body was not exposed. In addition to depicting the minor, the
 16 screenshots contain an image of BUCKINGHAM in the upper left corner.⁸ In one of the
 17 screenshots, BUCKINGHAM is holding up his t-shirt, exposing his torso and erect penis
 18 to the prepubescent male on the video chat.

19 18. Between February 16, 2020 to February 17, 2020, BUCKINGHAM
 20 engaged in a direct message chat with another user (hereinafter, Discord User #4), who
 21

22 ⁷ For instance, Detective Beattie identified a Discord chat conversation on February 16, 2020, between
 23 BUCKINGHAM and another user. In the chat, BUCKINGHAM stated, "Sorry I love to trade/share what
 24 u into." The other user expressed an interest in forced and incest. BUCKINGHAM then sent a photograph
 25 of himself and MV1. Detective Beattie identified BUCKINGHAM and MV1 depicted in the photograph
 26 and described that BUCKINGHAM was sitting next to MV1. BUCKINGHAM's penis is exposed and
 27 MV1 is wearing only underwear. Both appear to be playing a video game. After sending the image to the
 28 other user, BUCKINGHAM described his familial relation to MV1. The other user asked
 BUCKINGHAM if BUCKINGHAM wanted to "rpe my dau." BUCKINGHAM responded that he did
 and the other user stated "No period yet."

⁸ Based on his training and experience, Detective Beattie determined that the images were screenshots
 from a video chat that had occurred between BUCKINGHAM and the prepubescent male while the
 prepubescent male appeared to be in the shower.

1 identified him/herself as being thirteen years of age. During the chat, which was sexual in
 2 nature, BUCKINGHAM sent numerous selfie images to Discord User #4, including
 3 several images of BUCKINGHAM's exposed penis, and a ten second video of
 4 BUCKINGHAM masturbating.

5 19. On June 2, 2020, I appeared telephonically before United States Magistrate
 6 Judge Theresa L. Fricke and obtained search warrants for the RESIDENCE and
 7 BUCKINGHAM's person.

8 20. Joined by a team of state, local and tribal law enforcement, I executed those
 9 warrants in the morning of June 10, 2020. Upon entering the RESIDENCE, law
 10 enforcement encountered BUCKINGHAM and asked if he would agree to speak with law
 11 enforcement.

12 21. WSP Sergeant Carlos Rodriquez and I then interviewed BUCKINGHAM.
 13 Sergeant Rodriquez advised BUCKINGHAM of his constitutional rights, and confirmed
 14 that he understood them and was still willing to speak with us. In a recorded interview,
 15 BUCKINGHAM then provided the following information. He acknowledged using
 16 Discord. He stated that his current personal account is "Gamer Daddy" but admitted to
 17 having multiple Discord accounts. When asked, BUCKINGHAM stated he had used the
 18 username The_Awkward_Package on other social media accounts, but was not certain if
 19 he had used it on Discord. BUCKINGHAM initially denied sharing videos or images of
 20 MV1 or other prepubescent minors on Discord, but later conceded to maybe "trading"
 21 sexually explicit materials with other users based on what the other users were "into."
 22 BUCKINGHAM denied, as an adult, having any sexual contact with minors.

23 22. An FBI victim specialist spoke with MV1's mother, who confirmed MV1's
 24 date of birth and that MV1 is a minor.

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CONCLUSION

2 23. Based on the foregoing, I respectfully submit there is probable cause to
3 believe that BRIAN BUCKINGHAM has committed the crimes of *Production of Child*
4 *Pornography* in violation of Title 18, United States Code, Section 2251(a), (e), and
5 *Receipt or Distribution of Child Pornography* in violation of Title 18, United States
6 Code, Section 2252(a)(2).

Colleen B. Sanders
Colleen B. Sanders, Complainant
Special Agent, FBI

Based on the Complaint and Affidavit sworn to me, and submitted electronically, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Complaint.

DATED this 11th day of June, 2020.

Theresa L. Fricke
THERESA L. FRICKE
United States Magistrate Judge